

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1962 OF 2012
WITH
CIVIL APPLICATION NO. 8694 OF 2012

Maharashtra State Road Transport Corporation,
Through its Divisional controller,
Divisional Office, Beed,
Tq. and District Beed

...APPELLANT
(Orig. Respondent No. 1)

VERSUS

1. Babasaheb S/o Mahadev Hirve,
Age: 42 years, Occu: Agriculture,
2. Vandana W/o Babasaheb Hirve,
Age: 38 years, Occu: Agriculture,

Both R/o : Chandansavargaon,
Tq. Kaij, District Beed

(Orig. Applicants)

3. Krushna S/o Mohan Ghatage,
Age: 25 years, Occu: Labour,
R/o : Nijampur, Tq. Sakri,
District Beed
(Deleted as per Exh. 17)

(Orig. Respondent No. 2)
...RESPONDENTS

Mr D. S. Bagul, Advocate for appellants

CORAM : N.W. SAMBRE, J.

DATE : 9th June, 2015

ORAL ORDER

Heard Mr Bagul, learned Counsel appearing on behalf of the
appellants.

2. The appellant - State Road Transport Corporation has taken exception to the award dated 17th December, 2011, rendered by the Member, Motor Accident Claims Tribunal, Ambajogai, in M.A.C.P. No.47 of 2010.

3. By the award under challenge, the Tribunal has ordered the appellant to pay compensation of Rs.2,40,000/- with interest at the rate of 7.5% per annum, from the date of filing of the claim petition, i.e. from 13th April, 2010.

4. Deceased Vaishali had married to Krishna. She was travelling from Ambajogai to the concerned destination in S.T. Bus bearing registration No. MH-2-D-9162 along with sister of her husband Krishna.

5. It is the case of the appellant - Corporation that Vaishali was killed by her relatives and was planted in the Bus which was proceeding from Ambajogai to Bhivandi on 2nd November, 2009. According to the appellant, the reason for such murder was non-fulfilling illegal demands of the husband and as such relatives of husband had killed her. The Driver of the S.T. Bus was not any way responsible for the death of Vaishali as has been alleged by the respondents.

6. If the above referred submissions on behalf of the appellant are to be examined in proper perspective, it is required to be noted that deceased Vaishali suffered injury on her forehead, which perhaps was caused at the time of vomiting from the window of the Bus, as it is a regular phenomena that while travelling by Bus, few of the passengers who are not used to it become uncomfortable. It is also required to be noted that the nature of injury sustained by Vaishali pinpoints that such injury could have been caused on her forehead at the time of travelling while vomiting out of the running Bus. It is really hard to digest that if a killed or murdered body is planted in a running Bus, in all probability the inflicting of injury would not only and particularly be on forehead and on such long route, the loading of dead body could be easily noticed by fellow passengers.

7. In my opinion, the case that is sought to be put-forth before this Court by the appellant – State Transport Corporation is completely unbelievable - untrustworthy.

8. The learned Tribunal, while considering the above referred aspect of the matter, has dealt with the said issue by recording cogent reasons and has ordered payment of compensation, with which I am in agreement. No illegality is noticed in the award rendered by the Tribunal.

(4)

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9. As such, the First Appeal being sans merits stands dismissed with no order as to costs.

10. In view of dismissal of the First Appeal, Civil Application No.8694 of 2012 does not survive and stands disposed of accordingly.

(N.W. SAMBRE, J.)

amj